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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/483,434	01/14/2000	JEFFERY L. MILLER	14014.0360	8390
36339 7590 10/01/2003				
NATIONAL INSTITUTE OF HEALTH C/O NEEDLE & ROSENBERG, P.C. SUITE 1000			EXAMINER	
			, LEFFERS JR,	GERALD G
999 PEACHTREE STREET			ART UNIT	PAPER NUMBER
ATLANTA, GA			1636 DATE MAILED: 10/01/2003	26

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner		Application No.	Applicant(s)				
Office Action Summary Examiner Gerald G Leffers Jr., PhD 1538 - The MAILING DATE of this communication appears on the cover sheat with the correspondence address Peri d for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edimentics of time may be available under the provisions of 37 CFR 1.156(a). In an event, however, may a reely be limsly filed after 31x (a) MCNTHS from the mailing date of the communication. If the period for really shall be administed by period will apply and will applies \$10x (0) MCNTH from the mailing date of the communication. Failure to represent by the Office lates the maintainer shallow period will apply and will applies \$10x (0) MCNTH from the mailing date of the communication. Failure to represent by the Office lates the maintainer shallow the shall applies and the specification of the period of the communication of the communication. Part of the period of the period of the period of the period of the communication of the communication. 10 Sense this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 3.2 and 10 is/are allowed. 5) Claim(s) 3.2 and 10 is/are rejected. 5) Claim(s) 3.2 and 10 is/are rejected. 6) Claim(s) 3.2 and 10 is/are rejected. 7) Claim(s) 3.2 and 10 is/are rejected. 10 The drawing(s) filed on 3.2 is/are rejected. 11 The proposed drawing correction filed on 3.2 is/are application and application and application and application is objected to by the Examiner. 12 The oath or declaration is objected to by			MILLER ET AL.				
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Application/Control Number: 09/483,434

Art Unit: 1636

DETAILED ACTION

Receipt is acknowledged of an amendment, filed 7/31/03 as Paper No. 24, in which claims were amended (claims 7, 9 and 18) and in which claim 17 was cancelled. Claims 3, 7, 9-10 and 18 are pending in the instant application.

Any rejection of record in the previous action not addressed herein is withdrawn. The new grounds of rejection made herein were necessitated by applicants' amendment of the claims in Paper No. 24. Therefore, this action is FINAL.

Oath/Declaration

Receipt is acknowledged of a substitute Declaration filed as Part of Paper No. 24, which has been properly executed by all of the inventors. The outstanding objection to the Declaration has been obviated and is withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Both of the claims have been amended to read "...and wherein the method is not therapeutic." The support for the amendment from the instant specification (i.e. page 9, lines 4-7) cited in the response of Paper No. 24 does not, in fact, provide support for such a negative limitation. The passage cited in the response merely indicates that the methods of the invention can be used for diagnosis, prophylactic and/or therapeutic treatment. There is no literal support for excluding methods of delivery of nucleic acids to a cell in vivo wherein there is no intended therapeutic benefit. For example, there is no description in the originally filed specification of a method of delivering a nucleic acid to a cell in vivo in order to diagnose a disease or condition. Therefore, the added limitation is impermissible NEW MATTER.

Relevant Art

The following reference appears to be relevant art for examination of the pending claims, but the examiner has not been able to obtain a copy of the reference. As the authors of this work appear to be two of the inventors of the instant specification, it is requested that applicants provide a copy of the reference. The reference is as follows:

Wojda, U., Miller, J. L. "Endocytosis mediated by biotin-avidin crosslinking of surface proteins does not require GPI-proteins" Molecular Biology of the Cell (November 1997), Vol. 8, No. SUPPL., page 86A.

Conclusion

Claims 3, 9-10 are allowed. Claims 7 and 18 are rejected.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gerald G Leffers Jr., PhD whose telephone number is (703) 308-

6232. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Remy Yucel can be reached on (703) 305-1998. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-0196.

Gerald G Leffers Jr., PhD

Examiner

Art Unit 1636